

Remarks

Claim Rejections – 35 USC § 112

Claim 1 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants continue to traverse this rejection and respectfully request withdrawal of the same.

- i) the term “cycloalkyl” is regarded as indefinite by the Examiner since the type of ring is not specified. A standard definition, widely used by those skilled in art, appears on page 42 line 3 of the specification. It is a common practice to define ring systems in the specification. Applicants and their attorneys have never been required to add the definition of cycloalkyl to the claim itself in a US patent application. However, despite vehement disagreement with the rejection, and solely in an effort to advance prosecution and the application to a state of allowance, Applicants have amended Claim 1 and the amendment renders the rejection moot.
- ii) The Examiner continues to maintain the term “aryl” is indefinite since claim 1 does not recite the possible substitutions. In the chemical arts it is common for the definition of cyclic moieties to include the possible substitutions for the ring. While Applicants continue to disagree with the grounds of this rejection they have amended Claim 1 (solely to advance the application to a condition for allowance) and the amendment renders the rejection moot.

Claim Rejections under 35 USC §102

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Hunziker et al. Applicants traverse this rejection and respectfully request withdrawal of the same. Applicants have amended claim 1 and the amendment renders the rejection moot.


ACTION REQUESTED

For all the forgoing reasons, Applicants submit that the pending claims are in condition for allowance. Entry of the proposed amendment and allowance of the application is respectfully requested. To that end, the Examiner is invited to contact the undersigned to schedule an Examiner Interview to discuss any matter.

The Commissioner is hereby authorized to charge the petition fee of \$1500.00, pursuant to 37 C.F.R. § 1.17(m), to deposit account number 01-0025. The Commissioner is hereby authorized to charge any additional fees required by 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment in the manner authorized above.

Respectfully submitted,
Hasvold, et al.

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